United Nations CRPD/C/SWE/QPR/2-3

Convention on the Rights of Persons with Disabilities

Distr.: General
12 October 2018

Original: English
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Sweden*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information about:

(a) The steps taken to incorporate the Convention into national law, both vertically and horizontally, including the right to personal assistance and the equal provision of social welfare services among municipalities;

(b) The measures taken to review the indicators system to cover all areas of the Convention and to ensure that municipalities monitor its implementation, including with regard to access to employment, education, health care and governmental services;

(c) The review of the Discrimination Act (2008:567), to define inadequate accessibility as a ground of discrimination and to prohibit hate crimes against persons with disabilities, in particular women and girls with disabilities and persons with intellectual or psychosocial disabilities;

(d) Progress made and gaps identified in the State party's disability policy for the period 2011–2016, and the new disability policy that took effect in 2017, including its benchmarks, baselines and indicators and the resources allocated to its implementation;

(e) The new interdepartmental coordination mechanism in the Ministry of Health to advance the rights of persons with disabilities;

(f) The number and proportion of persons entitled to assistance benefits from the Social Insurance Agency since 2014, disaggregated by age, sex and type of disability;

(g) The participation and involvement of persons with disabilities and their organizations in the implementation and monitoring of the Convention since 2014.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information about:

(a) The measures taken to review legislation to ensure that reasonable accommodation is legally defined and provided without any exception, including in the fields of housing, law enforcement and justice;

* Adopted by the Committee at its twentieth session (27 August–21 September 2018).

GE.18-16964(E)
1816964

Please recycle

(b) The measures taken to assess any mechanisms designed to address intersecting forms of discrimination with a view to ensuring that they target all forms of discrimination on the basis of disability, including the denial of reasonable accommodation, discrimination by association, and multiple and intersecting forms of discrimination faced by children, women, migrants, refugees, asylum seekers and lesbian, gay, bisexual, transgender and intersex persons with disabilities, and Sami persons with disabilities;

(c) Statistics on the number and percentage of claims of discrimination on the basis of disability, disaggregated by sex, age, barriers identified, the sector in which discrimination occurred, and the number and percentage of cases that were resolved through mediation and those that resulted in sanctions for perpetrators and redress for victims.

Women with disabilities (art. 6)

3. Please provide information about:

(a) Measures taken to ensure that gender and disability perspectives are included in legislation and policies, in all areas of life and in all spheres covered by the Convention, and that they effectively address risk and marginalization factors specific to women;

(b) Legislative and policy measures aimed at preventing multiple and intersecting forms of discrimination against women and girls with disabilities, including domestic and sexual violence, and measures to eradicate such discrimination and to ensure that affected women and girls effectively obtain justice and redress;

(c) Measures taken to guarantee the sexual and reproductive health and rights of women and girls with disabilities;

(d) The number of cases reported of sexual violence against women and girls with disabilities and the number of prosecutions and convictions since 2014, disaggregated by year, age, type of impairment, offence and sanction.

Children with disabilities (art. 7)

4. Please provide information about:

(a) Measures taken to develop research and data collection on violence against children with disabilities, including the use of straps, seclusion and forced institutionalization, and to stop such violence;

(b) Measures taken to increase psychosocial and mental-health support and psychiatric health care for children with disabilities in the community, and the financial resources allocated since 2014 thereto;

(c) Safeguards adopted to ensure that children with disabilities may freely express their views on all matters affecting them, and that their views are given due weight in accordance with their age and maturity on an equal basis with other children, and age- and disability-appropriate measures to support them in this regard;

(d) Methods developed by the Ombudsman for Children to take into account the diversity of children with disabilities;

(e) Measures taken to sensitize and train parents and professionals working with children, and to raise awareness of the rights of children with disabilities in the public;

(f) The number of reported cases of violence against children with disabilities, and the number of prosecutions and convictions since 2014, disaggregated by year, age, sex and type of disability, offence and sanction;

(g) The decision reportedly made by municipalities to open "group homes" for children with disabilities, how many children have been affected by this decision and how their right to family life is respected and promoted.

Awareness-raising (art. 8)

5. Please provide information on:

(a) The communication campaign conducted from 2015 to 2017 by the Swedish Agency for Participation to address and counter discrimination against persons with disabilities, including the extent to which such persons were meaningfully involved, through their representative organizations, in its design, implementation, monitoring and evaluation. Please explain whether the campaign was grounded on the human rights model of disability and promoted an image of persons with disabilities as dignified, independent and capable individuals;

(b) Measures taken to conduct periodic, regular and continuous campaigns targeting public officials and private actors about the rights enshrined in the Convention, such as reasonable accommodation, and about disability-based discrimination.

Accessibility (art. 9)

6. Please provide information about measures taken:

(a) To ensure that legislation, policies and practices at the national, regional and municipal levels are fully aligned with the provisions of article 9 of the Convention, as described in general comment No. 2 (2014) on accessibility;

(b) To integrate universal design, accessibility standards and the possibility of providing reasonable accommodation into municipal planning, and to include accessibility requirements in all public procurement agreements;

(c) To ensure funding and guidance to guarantee full accessibility in all buildings open to the public, including residences, restaurants and bars, and in public transport;

(d) To remove barriers at the municipal level;

(e) To present the public sector with information and communications in accessible formats.

Situations of risk and humanitarian emergencies (art. 11)

7. Please provide information about measures taken:

(a) To ensure the inclusiveness and accessibility of disaster risk reduction measures and disaster management strategies, as described in the Sendai Framework for Disaster Risk Reduction 2015–2030, and whether these measures take into account the diverse requirements of persons with disabilities and the application of the principles of universal design;

(b) To ensure that persons with disabilities and their representative organizations are meaningfully informed of, consulted at, and actively participate in all stages of the development, implementation and monitoring of strategies, plans and protocols in disaster risk reduction and humanitarian emergencies.

Equal recognition before the law (art. 12)

8. Please provide information about:

(a) The measures taken to replace substituted decision-making with supported decision-making, including with regard to consent for medical treatment, access to justice, voting, marriage and work, in particular for persons with intellectual and/or psychosocial disabilities;

(b) Any safeguards against abuse of supported decision-making systems and/or arrangements that ensure that support provided respects the rights, autonomy, will and preferences of persons with disabilities and protects them from undue influence, misconduct and conflicts of interest, and the extent to which persons with disabilities have access to remedies against such situations;

(c) Procedures and support provided to persons with disabilities who are under trusteeship or guardianship, and whether they are in line with the Convention.

Access to justice (art. 13)

9. Please provide information about:

(a) The legal proceedings available to persons with disabilities under the Discrimination Act (2008:567), and how they ensure unrestricted and effective access to justice for all persons with disabilities at all stages of legal proceedings, and whether the concepts of procedural accommodation and age-appropriate accommodation have been implemented and monitored;

(b) Procedures for the arrest, interrogation and pretrial detention of persons with disabilities, including those who are deaf-blind, persons with hearing impairment and persons with psychosocial and/or intellectual disabilities;

(c) Initial assessment of requirements when a person with disabilities is detained, and measures taken to allow persons with disabilities to understand and participate in criminal proceedings;

(d) Measures taken to ensure that children with intellectual and/or psychosocial disabilities who are victims of crimes have access to justice on an equal basis with other children;

(e) Measures taken to train lawyers, prosecutors, judges and courts employees on the rights of persons with disabilities and the human rights-based model of disability, and to eliminate prejudices against the testimony given by persons with intellectual and/or psychosocial disabilities;

(f) The possibility for persons with disabilities to be employed as judges, lawyers or other legal professionals, and steps taken to facilitate the direct and indirect participation of persons with disabilities in the justice system.

Liberty and security of the person (art. 14)

10. Please provide information about:

(a) Measures taken to repeal any legislation or policy and to eradicate practices that allow the forced institutionalization of persons with intellectual and/or psychosocial disabilities;

(b) Procedures for admission and hospitalization of patients with intellectual and/or psychosocial disabilities;

(c) Measures taken to adopt a strategy for the de-institutionalization of persons with disabilities, in particular women and girls with disabilities;

(d) Measures taken, including the review of the Compulsory Mental Care Act (1991:1128) and the Forensic Mental Care Act (1991:1129), to ensure the requirement of free and informed consent by persons concerned as the governing standard for mental health services, for both inpatient and outpatient treatment;

(e) Measures taken to ensure that persons with disabilities who have been discharged from forensic psychiatric care are promptly released;

(f) Measures taken to ensure that persons with disabilities have access to procedures to challenge the legality of their deprivation of liberty, and to ensure an independent review of decisions to prolong compulsory care;

(g) Measures taken to increase resources allocated to persons with intellectual and/or psychosocial disabilities in community-based outpatient services;

(h) The number of persons with disabilities detained against their will in a medical facility since 2014, disaggregated by year, age, sex, type of impairment, type of facility and length of detention;

(i) Steps taken to oppose the adoption of the Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, given that the Protocol infringes on several provisions of the Convention, in particular article 14.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

11. Please inform the Committee about:

(a) Measures taken to abolish in law and in practice the use of non-consensual practices in medical institutions, including non-consensual medication and electroconvulsive therapy;

(b) Measures taken to eliminate coercive and involuntary treatment of children with disabilities in mental health-care settings, including the use of non-consensual medication, restraining straps and isolation;

(c) Measures taken to prevent informal voluntary treatment, such as instances where patients are given the option of accepting treatment or of being forcibly subjected to it;

(d) Measures taken to provide training to medical and non-medical staff on non-violent and non-coercive methods of care;

(e) The unit in the Office of the Parliamentary Ombudsman responsible for the implementation of the Optional Protocol to the Convention against Torture, whether it is mandated to monitor all settings in which persons with disabilities may be deprived of their liberty, including homes and residential facilities, and the extent to which monitoring activities are gender- and age-sensitive and organizations of persons with disabilities are meaningfully involved in the process.

Freedom from exploitation, violence and abuse (art. 16)

12. Please provide information about:

(a) Measures taken to prevent and allow early identification of instances of violence and abuse against persons with disabilities, to provide information in accessible formats and persons with disabilities with assistance and support on recognizing and reporting such instances, and the extent to which these measures are gender- and age-sensitive;

(b) Measures taken to ensure that instances of violence and abuse against persons with disabilities are recorded, effectively investigated, prosecuted and sanctioned;

(c) Measures taken to provide gender- and age-sensitive physical, cognitive and psychological recovery, rehabilitation and social reintegration services and programmes to those subjected to violence and abuse;

(d) Measures taken to ensure that health and education personnel and the police receive appropriate professional training on the human rights-based model of disability, and in particular on interacting with persons with intellectual and/or psychosocial disabilities and avoiding excessive use of force;

(e) The number and percentage of persons with disabilities who have been victims of violence and abuse since 2014, disaggregated by year, sex, age, disability status and place of occurrence.

Living independently and being included in the community (art. 19)

13. Please provide information about:

(a) Measures taken to ensure that personal assistance programmes provide persons with disabilities with sufficient financial assistance to allow them to live independently in the community, and the criteria to be eligible for personal assistance;

(b) Measures taken to provide persons with disabilities with the opportunity to choose their place of residence, and where and with whom they want to live, on an equal basis with non-disabled persons;

(c) Measures taken to ensure that decisions granting individual support are implemented promptly by the municipalities;

(d) The number and percentage of persons with disabilities who have received personal assistance benefits since 2014, disaggregated by year, sex, age, type of impairment and municipality of residence.

Personal mobility (art. 20)

14. Please provide information about the measures taken to facilitate access to public transport and personal mobility, including financial support for car adaptations and parking permits.

Respect for privacy (art. 22)

15. Please provide information about the meaningful involvement of organizations of persons with disabilities in updates of the online privacy law and regulations.

Respect for home and the family (art. 23)

16. Please provide information about the measures taken to prohibit discrimination in adoption procedures on the basis of disabilities and to ensure that persons with disabilities may exercise their rights and responsibilities regarding guardianship, adoption of children or similar institutions on an equal basis with others.

Education (art. 24)

17. Please provide information about:

(a) Measures taken to include all children with disabilities in their nearest mainstream education school and ensure the availability of the necessary support;

(b) Steps taken to abolish the provision of the Education Act allowing schools to deny a place to pupils with disabilities when taking them would involve significant organizational or financial difficulties, and to allocate sufficient human, technical and financial support to schools;

(c) The number and percentage of children with disabilities with access to education, disaggregated by age and sex, type of impairment, type of school, and municipality.

Health (art. 25)

18. Please provide information about:

(a) The availability of psychiatric services, including outpatient treatment, and of specialized psychiatric personnel throughout the territory of the State party, disaggregated by municipality;

(b) Measures taken to promote access to health-care services for women and girls with disabilities, including sexual and reproductive health services, and information on HIV/AIDS, on an equal basis with others.

19. Please provide information about:

(a) The suicide rate of persons with disabilities compared with that of others since 2014, disaggregated by age, sex and type of impairment, and measures taken to prevent, identify and address situations of risk of suicide in persons with disabilities, especially children;

(b) Measures taken to address and prevent mental health issues among children aged between 10 and 17 years.

Work and employment (art. 27)

20. Please provide information about:

(a) Progress made in promoting employment opportunities for persons with disabilities, including psychosocial disabilities, in the public and private sector, including as

a result of the measures taken in the Budget Bill 2016 aimed at assisting persons with disabilities in obtaining work;

(b) The rate of employment of persons with disabilities compared with that of persons without disabilities, disaggregated by occupation;

(c) Targeted measures to reduce the vulnerability of persons with disabilities to unemployment, including temporary special measures and the strengthening of financial incentives for employers, such as tax incentives;

(d) Measures taken to reduce the unemployment rate of and gender pay gap faced by women with disabilities;

(e) Steps taken to support persons with disabilities in exercising their right to freely choose or accept employment in work environments that are open, inclusive and accessible to them, particularly the right to freely chosen work in the labour market;

(f) Measures taken to review the use in the labour market of the term "persons with reduced capacities or limitations".

Adequate standard of living and social protection (art. 28)

21. Please provide information about:

(a) The extent to which the "guaranty benefit" adequately covers the living costs of persons with disabilities, including for food, accommodation, transport, rehabilitation and medical care, and any existing differences among municipalities;

(b) How recent reforms in the national insurance system have improved the living conditions of persons with disabilities;

(c) Measures taken to reduce poverty among persons with disabilities.

Participation in political and public life (art. 29)

22. Please provide information about measures taken:

(a) To ensure the full accessibility of voting procedures, voting environment, facilities and materials, and training provided to polling staff;

(b) To ensure the right of all persons with disabilities to vote through secret ballot, on their own or to be assisted by a person of their choice and with full respect of their free expression of will;

(c) To provide support to persons with disabilities elected to public positions;

(d) To allow access to information in all formats for persons with disabilities, to enable them to stand as candidates on an equal basis with persons without disabilities.

Participation in cultural life, recreation, leisure and sport (art. 30)

23. Please provide information on the national strategy to protect the right to participate in leisure, sports and cultural activities in an inclusive manner, and describe the extent to which austerity measures affected this right.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

24. Please provide information on:

(a) The status of the voluntary follow-up system on statistics and the collection of data on persons with disabilities;

(b) The development of data-collection tools and indicators in accordance with the human rights-based approach to disability, and the criteria and formula used;

(c) The collection of data, disaggregated by age, sex and type of impairment, for the purpose of formulating and implementing policies to give effect to the Convention, such as with regard to health, education, labour, social services, culture, the arts and sports;

(d) Measures taken to systematically collect, analyse and disseminate data on girls, boys, men and women with disabilities, including from indigenous groups, and how data are disseminated at all levels of government;

(e) The meaningful participation and involvement of organizations of persons with disabilities.

International cooperation (art. 32)

25. Please provide information about.

(a) The measures taken to integrate a disability rights-based approach into the Sustainable Development Goals and their target indicators;

(b) The steps taken to share the State party's good practices of both mainstreaming and twin-track approaches to disability-inclusive international development.

National implementation and monitoring (art. 33)

26. Please provide information on:

(a) The mandate and work carried out by the Equality Ombudsman to monitor the implementation of the Convention, including with regard to complaints filed by persons with disabilities under the Discrimination Act (2008:567);

(b) Steps taken to establishing an independent monitoring mechanism, in accordance with the Paris Principles, to monitor the implementation of the Convention.